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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendant  
PAUL FRIEDMAN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ARCSOFT, INC.,

Plaintiff.

vs.

PAUL FRIEDMAN,

Defendant.

Case No.: C-07-CV-03512 SC

**DEFENDANT PAUL FRIEDMAN'S  
DECLARATION UNDER OATH**

[SIGNATURE BY FACSIMILE]

Date: July 18, 2007

Time: 10:00 a.m.

Ctrm: F, 15<sup>th</sup> Floor

Before: Magistrate Judge Nandor Vadas

I, Paul Friedman, hereby declare under penalty of perjury:

1. My name is Paul Friedman; I am the Defendant in this action. I have personal knowledge of the following facts and could and would personally testify thereto if and when called as a witness in this action.

2. I was present in Court on July 13, 2007 and in accordance with the Court's July 13, 2007 Order (a copy of which is attached as Exhibit "A" [the "Order"]), I hereby confirm that I did call Hewett-Packard and instructed that they immediately return the computer. They have now returned and I have not even opened the box. My records show and my recollection is that this computer was shipped to HP for repairs before I received any legal papers and before I

Decl. Under Oath

C07-05312 SC

1 knew of any lawsuit against me by ArcSoft, Inc. ("ArcSoft" or "Plaintiff"). A copy of that  
2 shipping receipt is attached as Exhibit "B".

3 3. Also, in accord with the Court's Order, I hereby confirm that I do not have any of  
4 Plaintiff's proprietary property or any other property of Plaintiff; my attorney (Jack Russo, Esq.  
5 and RUSSO & HALE LLP) has, as represented by him in Court, the USB hard disk and the  
6 three USB flash drives that were returned to me by the Plaintiff after I produced them last  
7 Monday, July 9, during the 5+ hour meeting I had with Plaintiff's counsel in compliance with  
8 the Court's TRO. The laptop itself was returned to ArcSoft on June 27, 2007--well before their  
9 filing of this lawsuit. I never used any erasure, wiping or other data elimination program on this  
10 laptop other than the standard "delete" and "defragment" tools on every common personal  
11 computer. *so that I could remove and*  
12 *computer* I only removed one personal folder which had just my personal files from this laptop.

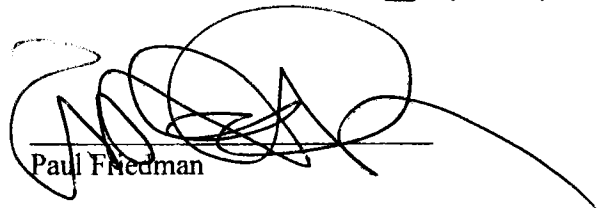
13  
14 This particular laptop was over 4 or 5 years old and has had hard disk and reliability issues  
15 throughout my employment as shown by the multiple requests I had made to the ArcSoft IT  
16 Group during my employment, but I hereby reaffirm that I did nothing to cause the destruction  
17 or erasure of any data from this computer other than the removal of my personal files.

18  
19 4. Finally, in accord with the Court's Order, I have preserved all computer evidence  
20 and specifically, I have segregated all of my computers and I am not using them; I have gone out  
21 and purchased a new laptop computer to use fresh, and which assures that I do not access any of  
22 my other computers until there is a resolution between counsel and/or with the Court about how  
23 electronic data is handled.

24 5. Additionally, though not required by the Court's Order, I hereby affirm that I  
25 have not used, disclosed, or otherwise taken advantage of any of Plaintiff's data; I have simply  
26 sought to preserve evidence which I have of the substantial dollar amounts that are owed to me  
27  
28

1 by Plaintiff as a result of their multiple California Labor Code violations and because of their  
2 wrongful termination of my employment.

3 I declare, under penalty of perjury under the laws of the State of California, that the  
4 foregoing is true and correct and that this declaration was executed on this 18<sup>th</sup> day of July, 2007  
5 in San Francisco, California.  
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8 Paul Friedman

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EXHIBIT A

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

C-07-3512 SAMUEL CONTI DATE 7/13/07  
Case Number Judge

Title: ARCSOFT INC. vs PAUL FRIEDMAN

Attorneys: BRADFORD NEWMAN JACK RUSSO  
SHANNON SEVEY

Deputy Clerk: T. De Martini Court Reporter: Debra Pas

PROCEEDINGS: Order to Show Cause Hearing

CASE REFERRED TO: U.S. MAGISTRATE JUDGE NANDOR VADAS

The parties are to appear before Magistrate Judge Nandor Vadas on Wednesday, July 18, 2007 at 10:00 A.M. and report on Defendant's compliance with the Temporary Injunction Order filed on July 6, 2007.

ORDERED AFTER HEARING:

- 1) The Defendant is to call Hewlett Packard and have them immediately return the computer he sent to them before fixing it.
- 2) The Defendant is to file an affidavit under penalty of perjury stating that he does not have any of Plaintiff's proprietary property.
- 3) Plaintiff's bond of \$25,000. is to stay in place pending further hearings.
- 4) The Defendant is to preserve all computer evidence in compliance with the Temporary Restraining Order filed July 6, 2007.

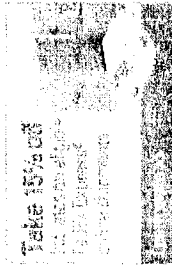
cc Wings

**EXHIBIT B**

FedEx Track

Page 1 of 1

Wrong Address?  
Reduce future mistakes by using  
FedEx Address Tracker.  
Tracking a FedEx Signature  
Statement?  
Go to [signature.htm](#)



Tracking number 932478309585  
Signed for by J WASHINGTON  
Ship date Jul 5, 2007  
Delivery date Jul 6, 2007 6:47 AM  
Reference JQA91601  
Destination Memphis, TN  
Delivered to Shipping/Receiving  
Service type Standard Overnight  
Weight 9.0 lbs.

Status Delivered  
Signature image available Yes

Event Date Location  
Jul 5, 2007 6:47 AM Delivered Memphis, TN  
5:15 AM On FedEx vehicle for delivery MEMPHIS, TN  
5:20 AM At local FedEx facility MEMPHIS, TN  
4:21 AM Departed FedEx location MEMPHIS, TN  
1:09 AM Arrived at FedEx location MEMPHIS, TN  
7:29 PM Departed FedEx location OAKLAND, CA  
5:06 PM Left origin EMERYVILLE, CA  
5:14 PM Picked up  
Jul 2, 2007 3:09 AM Package data transmitted to FedEx

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Subscribe to tracking updates (optional)

Your Name:

Your E-mail Address:

E-mail address	Language	Exception updates	Delivery updates
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	English		
	English		
	English		

Select format: ☒ HTML ☐ Text ☐ Wireless  
Add personal message:

Not available for Wireless or non-English characters

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7/13/2007